

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JAMES SPINA,

Defendant.

18-CR-625 (KMK)

ALLSTATE INSURANCE COMPANY, *et al.*,

Plaintiffs,

v.

JAMES A. SPINA II, D.C., *et al.*,

Defendants.

20-CV-1959 (KMK)

Order

KENNETH M. KARAS, United States District Judge:

On April 13, 2021, the Court imposed sentence on James Spina (“Spina”) in *United States v. Spina*. (See Dkt. (minute entry for Apr. 13, 2021), 18-CR-625 Dkt.) Spina’s sentence included a Consent Preliminary Order of Forfeiture/Money Judgment and an Order of Restitution. (See Dkt. Nos. 99, 100, 18-CR-625 Dkt.) These Orders directed a money judgment of \$9,105,741.61 and restitution of \$9,760,555.20. (*Id.*) At sentencing, Spina’s counsel argued that Spina’s interest in the funds held in two retirement accounts (the “Retirement Accounts”) should go to restitution and not forfeiture, and that Maelien Spina’s interest in the Retirement Accounts should not be forfeited. (Sentencing Tr. 79; *see also* Dkt. No. 74.) The Government responded that this dispute was “premature,” because Spina consented only to an “order of a money judgment as opposed to any specific assets.” (Sentencing Tr. 81.) The Court agreed, finding that the dispute would not be ripe until the Government moved to forfeit funds held in the Retirement Accounts. (*Id.* at 83–85.)

On June 9, 2021, Plaintiffs in *Allstate v. Spina* filed a letter which stated in part that “one of the issues preventing the completion of settlement with [Spina] is an outstanding determination . . . as to the allocation of” the funds held in the Retirement Accounts between forfeiture and restitution. (Dkt. No. 257, 20-CV-1959 Dkt.)

Accordingly, the Government is ordered to file a letter by June 21, 2021 providing an update as to its plans regarding forfeiture of the funds held in the Retirement Accounts. The Government should file its letter in both Actions captioned here.

SO ORDERED.

Dated: June 11, 2021
White Plains, New York

A handwritten signature in black ink, appearing to read 'K. Karas', is written over a horizontal line.

KENNETH M. KARAS
United States District Judge